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Attorneys for Defendant
STEVEN JOHN BARNES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

CR. No. 07-0300-JSW

Plaintiff,

vs.

**STIPULATION TO CONTINUE
SENTENCING**

STEVEN JOHN BARNES,

AND ORDER THEREON

Defendant.

IT IS HEREBY STIPULATED AND AGREED by and between Randy Sue Pollock, counsel for Steven John Barnes, and Assistant United States Attorney Shawna Yen, that sentencing which is presently set for Thursday, September 25, 2008 at 2:30 p.m. be continued to Thursday, October 30, 2008 at 2:30 p.m. This continuance is at the request of defense counsel for the following reasons:

1. Defense counsel is set to commence at trial before the Honorable Phyllis J. Hamilton on September 15, 2008 [United States vs. Shannon Blaylock, CR. 07-0454-PJH] which will last approximately a week and a half;

2. Counsel still needs to review the final presentence report which has not been filed yet by the U.S. Probation Office; and

1 3. AUSA Yen is still attempting to determine the actual loss for the victim
2 company which will affect the sentence in this case.

3 While all parties have agreed to propose the date of October 30, 2008, for
4 sentencing, we believe that this Court should be aware that we may need to hold an
5 evidentiary hearing regarding the issue of loss.

6 U.S. Probation Officer Cheryl Simone has no objection to the proposed date for
7 sentencing.

8 Dated: September 13, 2008

/s/ Randy Sue Pollock
RANDY SUE POLLOCK
Attorney for Defendant
Steven John Barnes

11 Dated: September 13, 2008

/s/ Shawna Yen
SHAWNA YEN
Assistant United States Attorney

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15 SO ORDERED:

16 DATE: September 15, 2008



JEFFREY S. WHITE
United States District Court Judge